To the Honorable Walter Woodul, President Pro-tem of the Senate, and to the Honorable Coke Stevenson, Speaker of the House of Representatives.

We, your committees, appointed to canvass the returns of an election, held in the State of Texas on the eighth day of November, 1932, for Governor and Lieutenant-Governor, hereby certify the following votes were cast:

For Governor

Miriam A. Ferguson	528,986
Orville Bullington	317,807
George Clifton Edwards	1,866
George W. Armstrong	706
Otho L. Heitt	101
Philip L. Howe	72
Tom Hunter	28
R. S. Sterling	20
Clint Small	1
R. L. Murray	1
C. B. Knobloch	1
Elmer Zilch	1
Jim Ferguson	1
Judge Hamilton	1
E. F. Hunter	1
Tom Jackson	1
Tom Higginbothem	1

For Lieutenant-Governor

Edgar E. Witt	775,762
James W. Bass	68,439
E. M. Lane	2,095
T. E. Barlow	126
Charles P. Smith	123
Jack Nolan	201
Chas. T. South	1

Respectfully submitted this the thirteenth day of January, 1933.

> JOHN W. HORNSBY, Chairman Senate Committee;

T. H. McGREGOR, Chairman House Committee.

Whereupon, Hon. Coke R. Stevenson, Speaker of the House of Representatives, made the following announcement:

"Hon. Miriam A. Ferguson having received the highest number of votes cast, I, by virtue of the authority vested in me by the Constitution and laws of the State of Texas, declare her duly, legally, and constitutionally elected Governor of the State of Texas for the ensuing term of two years; and Hon. Edgar Witt, having etc., and declaring an emergency. received the highest number of votes cast, I, by virtue of the authority | Jurisprudence.

vested in me by the Constitution and laws of the State of Texas, declare him duly, legally, and constitutionally elected Lieutenant-Governor of the State of Texas for the ensuing term of two years."

The Speaker of the House then announced that the business of the Joint Session was concluded and delivered the election returns used in counting the vote into the hands of the Chief Clerk, Louise Snow Phinney, taking her receipt therefor, and directing her to deliver the same in person to the Secretary of State, and to take the receipt of the Secretary of State for the documents.

SENATE RETIRES

On motion of Senator Redditt, the Senate, at 4:15 o'clock p. m., retired to its Chamber.

(Mr. Mathis in the Chair.)

RECESS

On motion of Mr. Anderson of Bexar, the House, at 4:45 o'clock p. m., took recess to 10 o'clock a. m., tomorrow.

FOURTH DAY

(Continued)

(Saturday, January 14, 1933)

The House met at 10 o'clock a. m., and was called to order by Speaker Stevenson.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Clayton, Mr. Hankamer, and Mr. Jackson:

H. B. No. 50, A bill to be entitled "An Act defining the offense of embezzlement by directors, officers, agents, and attorneys at law or in fact, of incorporated companies or institutions, joint stock companies or voluntary associations, or money or property belonging to persons, firms, and corporations, other than the principal or employer of such director,

Referred to Committee on Criminal

By Mr. Burns, Mr. Graves, and Mr. Daniel:

H. B. No. 51, A bill to be entitled "An Act providing that the Board of Pardons and Paroles, created by Chapter 45, Acts, First Called Session, Forty-first Legislature, shall hereafter sit and have their offices at Huntsville, Walker County, Texas; and declaring an emergency.

Referred to Committee on Penitentiaries.

By Mr. Ross:

H. B. No. 52, A bill to be entitled "An Act amending Article 1571, Chapter 3, Title 18, Penal Code of Texas, Revision of 1925, and declaring an emergency." (Relating to the seniority of women employes.)

Referred to Committee on Labor.

By Mr. Hankamer and Mr. Clayton:

H. B. No. 53, A bill to be entitled "An Act amending Article 3773, 1925 Civil Statutes, so as to provide that judgments will not become dormant where execution has issued such judgments within ten (10) years after a judgment was rendered, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Jefferson:

H. B. No. 54, A bill to be entitled "An Act to provide for the payment of not less than the general prevailing rate of wages on public works, and not less than the general prevailing rate of wages for legal holiday and overtime work on public works, providing for the ascertainment of such general prevailing rate by the public body awarding the contract, and its insertion in the contract and call for bids for the contract, etc., and declaring an emergency."

Referred to Committee on Labor.

By Mr. McClain:

H. B. No. 55, A bill to be entitled "An Act to amend Article 2746, Chapter 13, Revised Civil Statutes of Texas, 1925, providing for the payment of persons holding trustee elections, to be paid out of the local school fund of the district in which the election was held, in place of being paid from the general fund of the county, in which said election was | nal Jurisprudence.

held; to repeal all laws in conflict herewith; and declaring an emergency.'

Referred to Committee on Educa-

By Mr. McClain:

H. B. No. 56, A bill to be entitled "An Act to amend Article 2750, Chapter 13, Revised Civil Statutes of Texas, 1925, providing that the old or new school board can not rescind a contract and/or agreement entered into between a majority of the school board and the teacher; to repeal all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Educa-

By Mr. Burns:

H. B. No. 57, A bill to be entitled "An Act to authorize the commissioners court of any county in this State, where the constitutional limit of taxes for general purposes has been levied, having an unexpended balance to the credit of the road and bridge fund from funds derived from license tax, registration fees, or other tax on motor vehicles, to transfer such unexpended balance, or any portion thereof, to the general fund of the county, etc., and declaring an emergency.'

Referred to Committee on State Affairs.

By Mr. Bradley, Mr. Morse, and Mr. Moore:

H. B. No. 58, A bill to be entitled "An Act making it unlawful for any person to wilfully or wantonly kill, maim, wound, disfigure, poison, or cruelly and unmercifully beat or abuse any horse, ass, mule, cattle, sheep, goat, swine, dog, or other domesticated animal, or any domesticated bird, fixing a penalty for violation hereof, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Hill of Webb and Mr. Hill of Brazoria:

H. B. No. 59, A bill to be entitled "An Act amending Article 689, Texas Penal Code, 1925." (Relating to penalties for the violation of the liquor laws.)

Referred to Committee on Crimi-

By Mr. Alsup and Mr. Fisher:

H. B. No. 60, A bill to be entitled "An Act to amend Article 6, Chapter 26, of the Acts of the Third Called Session of the Forty-second Legislature, relating to the taking of furbearing animals in certain counties, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Vaughan:

H. B. No. 61, A bill to be entitled "An Act to amend Article 2190, Revised Civil Statutes of 1925, Title 42, Chapter 8, as amended by the Acts of the Forty-second Legislature, Regular Session, page 120, Senate Bill No. 95, by adding the following words: 'based upon any cause of action or defense pleaded and sustained by evidence and a jury trial thereon shall be deemed waived' and by striking out the following words: 'regardless of whether the submission of such issue was requested by the complaining party,' and declaring an emergency."

Referred to Committee on Judiciary.

By Mrs. Hughes:

H. B. No. 62, A bill to be entitled "An Act to amend Article 1778, of Chapter 6, of Title 37, and Article 1871, of Chapter 5, of Title 39, of the Revised Civil Statutes of 1925, relating to the time for returning executions for costs issued from the Supreme Court and Courts of Civil Appeals; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Judiciary.

By Mrs. Hughes:

H. B. No. 63, A bill to be entitled "An Act to amend Article 1839, Chapter 3, Title 39, of the Revised Civil Statutes, 1925, as amended by Chapter 66, Acts of the Forty-second Legislature, Regular Session, so as to more definitely fix the time for filing the transcript in the Court of Civil Appeals, and better providing for an extension of such time by repealing parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Hartzog et al.:

H. B. No. 64, A bill to be entitled Referred to "An Act repealing Chapter 268, Acts, and Fisheries.

Fortieth Legislature, and House Bill No. 836, Acts, Regular Session, Forty-second Legislature; providing a license for resident citizens of this State who fish outside the county of their residence; providing alien and non-resident fishing licenses; providing the fees for such licenses; and expiration date of such licenses; providing that no license shall be required of any person under 17 years of age, or that the license required in this Act shall not be required of the holder of commercial fishermen's license; providing for the form of licenses required under this Act; providing for the issuance of such licenses by certain officers; providing suitable penalties; providing for the disposition of funds collected under the provisions of this Act, and the effective date of this Act.'

Referred to Committee on Game and Fisheries.

By Mrs. Hughes:

H. B. No. 65, A bill to be entitled "An Act requiring the clerk of any court or justice of the peace of this State, whose duty it is to approve any cost bond, appeal bond, supersedeas bond, or other bond for the security for costs, to first require each surety thereon to make affidavit that he owns, in his own name, property in this State, subject to execution over and above his legal exemptions, and over and above any and all prior obligations as a surety, sufficient to pay the obligation of said bond; subjecting any such clerk or justice of the peace liable to aggrieved party for the payment of said bond on failure to require such affidavit before approval; exempting surety companies who hold permit under the laws of this State to execute bonds in this State as a surety from the requirements of this Act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Metcalfe:

H. B. No. 66, A bill to be entitled "An Act providing for a closed season in Glasscock County, upon quail, doves, and pheasants, for a period of three (3) years; and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Renfro, Mr. Shannon, and Mr. Duvall:

H. B. No. 67, A bill to be entitled "An Act to provide cumulative and alternative manner in which certain water control and improvement districts may provide for the assessment and/or collection of district taxes, and to establish the compensation to be paid, and the manner of paying therefor, by such districts. Also providing that the compensation to be paid to a county tax assessor and/or a county tax collector, hereunder, shall be computable as fees of office in determining the maximum compensation to be paid to such officers. Also providing for the payment of compensation hereunder for the use of the county and not to the officers herein named, and in case the law may hereafter provide for the payment of salaries in lieu of fees of office, to such officers. Also providing that such officers, when serving a district hereunder, shall be deemed to be officers of the district. Further providing that the bond to be given by a tax collector hereunder shall be payable to the district, and that the premium therefor shall be paid by such district."

Referred to Committee on Conservation and Reclamation.

By Mr. Rogers of Ochiltree:

H. B. No. 68, A bill to be entitled "An Act repealing Chapter 81, Senate Bill No. 11, as enacted by the Fifth Called Session of the Fortyfirst Legislature, as shown on page 246, et seq. of the Session Acts, which created the One Hundred and Fourteenth District Court; and declaring an emergency."

Referred to Committee on Judicial Districts.

By Mr. Steward and Mr. Palmer:

H. B. No. 69, A bill to be entitled "An Act creating a closed season upon wild deer, buck, doe, fawn, or wild turkey for a period of five (5) years in the Counties of Freestone and Leon in the State of Texas, making it unlawful for any person to hunt, trap, ensnare, kill, or attempt to kill by any means whatsoever, any wild deer, buck, doe, fawn, or wild turkey within said Counties, for a period of five (5) years; providing a penalty therefor, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Lemens:

H. B. No. 70, A bill to be entitled "An Act to amend Article 904, Penal Code of the State of Texas, 1925, relating to fees for hunting by a resident of this State hunting outside of the county of his residence, and to non-residents and aliens hunting in this State, fixing the fees for same; providing for the issuance of such licenses; etc."

Referred to Committee on Game and Fisheries.

By Mr. Bedford:

H. B. No. 71, A bill to be entitled "An Act to amend Article 1302, of the Revised Civil Statutes of Texas of 1925, by adding thereto a subdivision to be known as No. 95, to read as follows: 'Subdivision 95. Corporations may be created for, or after being created, charters may be amended to include the construction, maintenance, and operation of radio broadcasting equipment and stations,' and declaring an emergency."

Referred to Committee on Municipal and Private Corporations.

HOUSE JOINT RESOLUTIONS ON FIRST READING

The following House joint resolutions, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Alsup, Mr. Turlington, Mr. Fisher, and Mr. Camp:

H. J. R. No. 4, Proposing Amendments to Section 20, of Article V, and Section 44, of Article XVI, of the Constitution of Texas, combining the offices of county clerk and county treasurer; providing the time and manner thereof; providing for its submission to the voters of the State of Texas as required by the Constitution, and making an appropriation therefor.

Referred to Committee on Constitutional Amendments.

By Mr. Moore:

H. J. R. No. 5, Proposing an Amendment to Article XVI, of the Constitution of the State of Texas, by striking out Section 20-a to 20-e, both inclusive, and providing in lieu thereof, for local option on the question of the sale of intoxicating liquors; vesting in the Legisla-

ture the power to regulate the manufacture, sale, and traffic in intoxicating liquors; etc."

Referred to Committee on Constitutional Amendments.

(Mr. Savage in the Chair.)

TO MEMORIALIZE CONGRESS IN REGARD TO THE PASSAGE OF CERTAIN BILL

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 4, Relative to the allotment of the production of wheat, cotton, etc.

Whereas, There is now pending before the Congress of the United States, a bill designated as "a voluntary domestic allotment plan" which has for its purpose primarily the allotment of the production of wheat, cotton, tobacco, hogs, and other farm and ranch products; and

Whereas, The original bill provides,

in Section 10, the following:

"Within thirty days after the date of approval of this Act, the Secretary of Agriculture shall estimate as nearly as practicable and proclaim the percentage of the domestic production of wheat, cotton, and tobacco for the calendar year, 1933, and of the domestic production of hogs sold or to be sold during such year, that, in the judgment of the Secretary, will be needed for domestic consumption. Such percentage is hereinafter referred to as the domestic consumption percentage for the commodity, and shall be based on statistics of the Department of Agriculture and other Federal agencies as to the average domestic consumption of the commodity for the five preceding years." And,

Whereas, The original bill provides for the issuance of "adjustment certificates," and further provides:

"The face amount of any adjustment certificate, per unit of the commodity covered thereby, shall be 42 cents a bushel for wheat, 5 cents a pound for cotton, 4 cents a pound for tobacco, and 2 cents a pound for hogs, less a pro rata share of administrative expenses as estimated by the Secretary of Agriculture." And,

and purposes designed to place in the has refused to concur in House amendhands of the Secretary of Agriculture ments to Senate Concurrent Resolu-

of the United States, absolute, complete control and domination, not only of the production of our agricultural products, but complete control of price fixing; and

Whereas, Such a policy is in direct conflict with the principles upon which the Government of the United States was founded, is violative of every principle of the Democratic party and the traditions of the founders of our Government; and

Whereas, It is an historic fact and a matter of common knowledge that all the past efforts of State and Federal Governments to regulate the production and control prices have served to beat down prices and impoverish the producers of our raw products; a fair example of which is the experience of the Federal Government in attempting to stabilize the price of cotton, wheat, and other products during the past four or five years;

Whereas, We believe that the bill above referred to will further beat down the prices of products and further impoverish the producers of the United States. Now, therefore, be it

Resolved by the Senate of Texas. the House of Representatives concurring, That we implore our Representatives and Senators in Congress to desist from further attempting to interfere with the natural economic laws, and further meddlesomeness, to control production and price fixing, and urge especially upon Congressmen and Senators from agricultural and ranching sections to oppose the passage of this bill, and take from the neck of the producers of this Nation the yoke of governmental control and dictation.

Signed-Moore, Holbrook, Fellbaum, Hornsby, Small, Martin, Purl.

The resolution was read second

On motion of Mr. Engelhard, the resolution was referred to the Committee on Agriculture.

MESSAGE FROM THE SENATE

Senate Chamber, Austin, Texas, January 13, 1933. Hon. Coke Stevenson, Speaker of the House of Representatives.

I am directed by the Senate Sir: Whereas, The bill is to all intents to inform the House that the Senate

tion No. 3, and requests the appointment of a conference committee. The following have been appointed on the part of the Senate: Senators De-Berry, Poage, Oneal, Sanderford, and Parr.

The Senate has adopted

H. C. R. No. 1. Indorsing the action of Senator Connally and Congressman R. E. Thomason, relative to Fort D. A. Russell.

> Respectfully. BOB BARKER. Secretary of the Senate.

REQUEST OF THE SENATE GRANTED

On motion of Mr. Anderson of Bexar, the House granted the request of the Senate for the appointment of a conference committee to adjust the differences between the Senate and House on Senate Concurrent Resolution No. 3, Relative to the per diem and mileage of Members of the Fortythird Legislature.

In accordance with the above action, the Speaker announced the appointment of the following conference committee on the part of the House: Messrs. Anderson of Bexar, Coombes, Ramsey, Moffett, and Scott.

URGING THE APPOINTMENT OF JOHN M. SPELLMAN FOR U.S. PATENT COMMISSIONER

Mr. Savage offered the following resolution:

Whereas, The recent National elections will cause a change of Administrations and vacancies in the administrative offices of the Federal Government, including the post of United States Patent Commissioner; and

Whereas, It would be a distinct honor to the State of Texas for this important office to be filled by one of her citizens and native sons; and

Whereas, Hon. John M. Spellman of Dallas, Texas, is a native son of this State, and has for more than thirty years been actively engaged in the practice of patent law and the study of all matters pertaining to patents, trade-marks, and copyrights and is universally regarded as an authority on these subjects; and

Whereas, The said John M. Spellman during his entire active lifetime has served the State of Texas faith- entire strength behind the nominees

ties, having served as president of the Texas Resource Society, an institution dedicated to the scientific development of the natural resources of Texas, and has also served as governor of 'the Texas Society of the Sons and Daughters of the Pilgrims and as a member of the Sons of the American Revolution, and has been elected to membership in the Academy of Political and Social Science, and as a member of the commission appointed by the Legislature of Texas to pass upon the voting machines for the registration of ballots in elections under the supervision of the Secretary of State for the State of Texas, and during the World War was a fourminute speaker and member of the Legal Advisory Board, and has laudably and patriotically given of his great talents to many movements for the upbuilding of our State; and

Whereas, He has dedicated his life to the art and profession of developing the sciences and inventions which mean new industries, the opening of new fields for man's endeavor, development, and progress; and

Whereas, Many prominent Democrats and leading citizens of Texas, recognizing his high qualifications and fitness to perform the duties of this office in a manner which would reflect credit and distinction upon the State of Texas, have personally endorsed him, attesting to his high moral character and mental fitness for this position; and

Whereas, The Texas delegation in the National Congress, including our two United States Senators from Texas, and the entire Texas delegation in the House of Representatives, have unanimously recommended him for this high office for United States Patent Commissioner under the incoming Federal Administration; and

Whereas, It would reflect great honor and credit upon this State for this Office to be filled by a native Texan; and

Whereas, The said Hon. John M. Spellman is eminently qualified to discharge the duties of said Office with fidelity and unsurpassed competence; and

Whereas, The great State of Texas so overwhelmingly supported the incoming Administration, which should call for some prominent recognition of Texas citizens, having thrown her fully and untiringly in many capaci-lof the Democratic Party and is justly

entitled to great recognition for her

support; therefore, be it

Resolved by the House of Representatives of the State of Texas, now assembled in Regular Session in Austin, Texas, That said Legislative Body go on record as endorsing and urging the appointment of John M. Spellman for the post of United States Patent Commissioner, and that a copy of this resolution, duly certified, be mailed by registered mail to the Hon. Franklin D. Roosevelt, President-elect; the Hon. James A. Farley, Chairman of the Democratic National Committee, and Hon. Morris Sheppard, and the Hon. Tom Connally, Senators from the State of Texas.

> SAVAGE. MATHIS. McGREGOR.

The resolution was read second time, and was adopted.

RECOMMENDING THE APPOINT-MENT OF HON. MILLER M. BRISTER AS FIRST AS-SISTANT SECRETARY OF COMMERCE

Mr. Anderson of Johnson offered the following resolution:

Whereas, The State of Texas has recently attained unprecedented recognition in the National Government by the election of Hon. John N. Garner as Vice-President of the United States; and

Whereas, Hon. Miller M. Brister, formerly of Johnson County, and a native son of Texas, who has achieved National prominence, both politically and in his private business life, has been and is at present, closely connected with the National leaders of the Democratic Party and has always served the party faithfully and well, and was of special service to the party during the last presidential campaign, which service has been publicly acknowledged by President-elect Franklin D. Roosevelt and Vice-President-elect John N. Garner; and

Whereas, The Hon. Miller M. Brister has been endorsed by Senators and Representatives from New York, Connecticut, Georgia, and Texas and by the National Committeemen and Women and by others prominent in

shown himself as worthy of such appointment and capable of efficiently discharging the duties of said office; now, therefore, be it

Resolved by the House of Representatives, That this body recommend to His Excellency, the Hon. Franklin D. Roosevelt, President-elect of the United States, the appointment of Hon. Miller M. Brister, of Texas and New York, to the position of First Assistant Secretary of Commerce: and be it further

Resolved, That a copy of this resolution be sent to Hon. Franklin D. Roosevelt and a copy be sent to Hon. Miller M. Brister.

Signed—Anderson of Johnson, Lemens, Calvert, Metcalfe, Cowley, James, Mathis.

The resolution was read second time, and was adopted.

RELATIVE TO GROUP PICTURE OF MEMBERS

Mr. Lemens offered the following resolution:

Whereas, It has been a custom of the House to arrange for a block-picture of its Members; and

Whereas, The Jensen Studio, of Austin, wishes to compliment the Members of this House; therefore,

Resolved, That this offer be accepted under the following conditions:

1. That this work shall be done without obligating any member.

2. That the Jenson Studio begin at once to complete the picture so that it may be delivered during this Regular Session.

3. That they will make a firstclass picture of each Member and place in the group so as to show as nearly as possible the location of his seat.

4. That under each picture is to appear the name of that Member and his post-office address.

5. That the Jensen Studio will pay for the lettering of a suitable heading, glassing, and framing.

All with the compliments of the firm.

Signed—Lemens, Puryear, Rogers of Ochiltree, Mackay, Reed of Bowie, the Democratic Party for the position as First Assistant to the Secretion, Fain, Jones of Shelby, Beck, tary of Commerce, as one who has Hicks, Tarwater, Alexander, Latham,

Duggan, Haag, McCullough, Bradley, Thomas, Reed of Dallas, Anderson of Johnson, Few, Griffith, Jefferson, Roberts, Holekamp, Barrett, Van Zandt, McKee, Sullivant, Wood, Graves, Hester, Fisher, Hunt, Alsup.

The resolution was read second time.

Mr. Ratliff offered the following substitute for the resolution by Mr. Lemens:

Be it resolved, That the Speaker appoint a committee of five to select, to the advantage of this House, a photographer to make, frame, and hang the picture of the Forty-third Legislature; and be it further

Resolved, That (1) the photographer doing the work must be a first-class photographer, and able to do first-class work; (2) a uniform price must be agreed upon to be charged Members for individual and miniature photographs.

Signed—Clayton, Butler, Camp, Aikin, Hankamer, Canon, Renfro, Metcalfe, Ratliff, Kayton.

The substitute resolution was adopted.

The resolution, as substituted, was then adopted.

COMMUNICATION IN REGARD TO THE INAUGURAL CEREMONIES

Mr. Jones of Atascosa asked unanimous consent of the House to have the following communication printed in the Journal:

There was no objection offered, and it was so ordered:

"Senator Archie Parr, of the Senate Inaugural Committee, and Representatives Albert G. Walker and Walter E. Jones, of the House Inaugural Committee, visited Governor Sterling today, and respectfully invited him to participate in the inaugural ceremonies next Tuesday, at the request of Governor-elect Miriam A. Ferguson and Ex-Governor James E. Ferguson. The Governor said, in reply: 'Since a Member of the Senate has taken it upon himself to give out to the press that I will not participate in the inauguration, you may take that as my answer.'"

> A. PARR, ALBERT G. WALKER, WALTER E. JONES.

INTRODUCTION OF THE HON. CARL NESBIT

Mr. Lemens offered the following resolution:

Whereas, Hon. Carl Nesbit, Commander of the American Legion for Texas, is at the Bar of the House; therefore, be it

Resolved, That he be invited to the Speaker's stand and introduced to the House.

Signed—Lemens, Alexander, Bedford, Ratliff, Metcalfe, Coombes, Cathey, Jefferson.

The resolution was read second time, and was adopted.

In accordance with the above action, the Speaker announced the appointment of the following committee to escort Hon. Carl Nesbit to the Speaker's stand: Messrs. Lemens, Alexander, Bedford, Ratliff, Metcalfe, Coombes, Cathey, and Jefferson.

The committee having performed their duty, Mr. Savage presented Mr. Lemens, who, in turn, introduced Mr. Nesbit to the House.

Mr. Nesbit then addressed the House briefly.

APPOINTMENT OF PORTERS ANNOUNCED

The Speaker announced the appointment of the following employes as porters:

George Hunt, Madison Dabney, M. T. Piper, R. D. Gilmore, Rufus Pope, Henry Blair, T. W. Kincheon, A. L. Hunt, Magnolia Hedspeth.

RECESS

On motion of Mr. Stinson, the House, at 12 o'clock m., took recess to 2 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2 o'clock p. m., and was called to order by Mr. Savage.

CONFERENCE COMMITTEE RE-PORT ON SENATE CONCUR-RENT RESOLUTION NO. 3

Mr. Anderson of Bexar, chairman, submitted the following conference committee report on Senate Concurrent Resolution No. 3:

Committee Room, Austin, Texas, January 14, 1933.

To the Hon. Coke Stevenson, Speaker of the House of Representatives, and the Hon. Walter Woodul, President Pro Tempore of the Senate.

Sirs: We, your conference committee appointed to confer on Senate Concurrent Resolution No. 3, beg leave to report that we have considered same and ask that it do pass in the following form:

S. C. R. No. 3, Relative to per diem and mileage of Members of the Fortythird Legislature.

Be it resolved by the Senate of the State of Texas, the House of Representatives concurring, That the salary and per diem of the Members of the House of Representatives is hereby fixed and shall be ten dollars (\$10) per day. The Senate having fixed its per diem (pay) at eight dollars (\$8) per day, the salary and per diem of the Members of the Senate is hereby fixed and shall be eight dollars (\$8) per day. Be it further

Resolved, In addition to the per diem, the Members of each house shall be entitled to mileage in going to and returning from the seat of Government, which mileage shall be two dollars and fifty cents (\$2.50) for every twenty-five miles, the distance to be computed by the nearest and most direct route of travel, from a table of distance prepared by the Comptroller to each county seat now or hereafter to be established; no Member to be entitled to mileage for any extra session that may be called in one (1) day after the adjournment of the Regular or any Called Session of this Legislature.

Respectfully submitted,

DeBERRY, POAGE, PARR, ONEAL,

On the part of the Senate;

ANDERSON of Bexar, RAMSEY, COOMBES, SCOTT,

On the part of the House.

Mr. Anderson of Bexar moved that the report be adopted.

Mr. Fain moved that the report be not adopted, and that the committee be instructed to adhere to the provisions of the original resolution.

Mr. Johnson of Dimmit raised a point of order on further consideration of the report on the ground that it is not in harmony with the Constitution and violates certain provisions thereof.

The Speaker declined to rule on the point of order, stating that he would submit the matter to the House for its decision.

Question—Shall the House sustain the point of order?

The House overruled the point of order by the following vote:

Yeas-46

Aikin. Jones of Shelby. Anderson Klye of Hays. of Johnson. Kyle of Palo Pinto. McClain. Barrett. Beck. McKee. Bedford. Metcalfe. Moffett. Bourne. Morrison. Camp. Morse. Cathey. Crossley. Pavlica. Devall. Ratliff. Fain. Ray. Fisher. Rollins. Glass. Ross. Shults. Graves. Harris. Smith. Stanfield. Head. Hester. Tennyson. Hill of Webb. Tillery. Townsend. Huddleston. Van Zandt. Hunt. Walker. Johnson of Dimmit. Wells. Jones of Atascosa. Wood.

Nays—62

Goodman. Alsup. Anderson Haag. of Bexar. Hankamer. Baker. Harrison. Burns. Hartzog. Butler. Hill of Brazoria. Holekamp. Canon. Chastain. Holland. Holloway. Coombes. Hoskins. Cowley. Hyder. Daniel. James. Davidson. Jefferson. Dunagan. Dwyer. Johnson Engelhard. of Anderson. Jones of Runnels. Few. Latham. Golson. Good. Lemens.

Aikin.

Leonard.	Renfro.
Lindsey.	Rogers
Mackay.	of Ochiltree.
McCullough.	Russell.
McDougald.	Scarborough.
McGregor.	Scott.
Merritt.	Steward.
Moore.	Stinson.
Palmer.	Stovall.
Parkhouse.	Thomas.
Puryear.	Turlington.
Ramsey.	Vaughan.
Reed of Bowie.	Winningham.
Reed of Dallas.	Young.
	_

Present-Not Voting

Magee.

Absent

Absent—Excused

Long.

Wagstaff.

Mr. Anderson of Bexar then moved that the substitute motion be tabled.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas-75

Alsup.	Cowley.
Anderson	Daniel.
of Bexar.	Davidson.
Baker.	Devall.
Barrett.	Dunagan.
Barron.	Dwyer.
Bourne.	Engelhard.
Burns.	Few.
Butler.	Glass.
Canon.	Golson.
Cathey.	Good.
Chastain.	Goodman.
Colson.	Griffith.
Coombes.	Haag.

Hankamer. Morse. Harris. Palmer. Harrison. Parkhouse. Hartzog. Pavlica. Hicks. Ramsey. Reed of Dallas. Hill of Brazoria. Hill of Webb. Renfro. Hodges. Rogers of Ochiltree. Holekamp. Rogers of Hunt. Holland. Holloway. Russell. Hoskins. Savage. Hyder. Scarborough. Jefferson. Scott. Jones of Runnels. Shults. Latham. Steward. Lemens. Stinson. Lindsey. Stovall. Lotief. Thomas. Magee. Turlington. Mackay. Van Zandt. Winningham. McCullough. / McGregor. Wood. Mitcham. Young. Moore.

Nays-40

McClain. Anderson McDougald. of Johnson. McKee. Beck. Merritt. Bedford. Metcalfe. Moffett. Camp. Crossley. Morrison. Dean. Puryear. Fain. Ratliff. Fisher. Ray. Reed of Bowie. Graves. Head. Smith. Hester. Stanfield. Huddleston. Sullivant. Hunt. Tarwater. James. Tennyson. Johnson Tillery. of Dimmit. Townsend. Jones of Atascosa. Vaughan. Jones of Shelby. Walker. Kyle of Hays. Wells.

Absent

Kyle of Palo Pinto. Adamson. Alexander. Laird. Leonard. Bradley. Calvert. Mathis. Munson. Caven. Clayton. Nicholson. Patterson. Dunlap. Pope. Duvall. Ford. Reader. Riddle. Fuchs. Greathouse. Roberts. Rollins. Harman. Hughes. Ross. Jackson. Shannon. Johnson Weinert. of Anderson. West. Kayton.

Absent-Excused

Long.

Wagstaff.

Mr. Anderson of Bexar moved the previous question on the pending motion, and the main question was ordered.

Stanfield.
Sullivant.
Smith.
Tennyson

Question recurring on the adoption of the conference committee report, yeas and nays were demanded.

The report was adopted by the following vote:

Yeas-62

Alsup. Holekamp. Anderson Holland. of Bexar. Holloway. Baker. Hunt. Barrett. Hyder. Barron. Jefferson. Bourne. Jones of Runnels. Jones of Shelby. Burns. Latham. Butler. Lemens. Canon. Chastain. Lindsey. Colson. Lotief. Mackay. Coombes. Cowley. McCullough. McGregor. Daniel. Moore. Davidson. Dunagan. Morse. Dwyer. Palmer. Engelhard. Parkhouse. Pavlica. Few. Ramsey. Golson. Reed of Dallas. Good. Goodman. Renfro. Griffith. Rogers of Hunt. Russell. Haag. Shults. Hankamer. Harrison. Stinson. Stovall. Hartzog. Turlington. Hicks. Hill of Brazoria. Winningham. Hill of Webb. Young. Hodges.

Navs-44

Aikin. Huddleston. Anderson James. of Johnson. Johnson of Dimmit. Beck. Jones of Atascosa. Bedford. Kyle of Hays. Camp. McClain. Cathey. McDougald. Crossley. McKee. Dean. Fain. Merritt. Fisher. Metcalfe. Glass. Moffett. Graves. Morrison. Ratliff. Harris. Ray. Head. Reed of Bowie. Hester.

Rogers of Ochiltree. Townsend. Van Zandt. Scarborough. Stanfield. Walker. Sullivant. Smith. Wood. Tennyson.

Present-Not Voting

Magee.

Absent

Adamson. Leonard. Alexander. Mathis. Mitcham. Bradley. Calvert. Munson. Caven. Nicholson. Clayton. Patterson. Devall. Pope. Dunlap. Puryear. Duvall. Reader. Riddle. Ford. Fuchs. Roberts. Greathouse. Rollins. Harman. Savage. Hoskins. Scott. Hughes. Shannon. Jackson. Steward. Johnson Tarwater. of Anderson. Thomas. Kayton. Weinert. Kyle of Palo Pinto. West. Laird.

Absent-Excused

Long.

Wagstaff.

FIXING PER DIEM OF MEMBERS

Mr. Parkhouse offered the following resolution:

Be it resolved by the House of Representatives of the State of Texas, That the salary and per diem of the Members of the House of Representatives of the Forty-third Legislature is hereby fixed and shall be ten dollars (\$10) per day. Be it further

Resolved, In addition to the per diem, the Members of the House of Representatives shall be entitled to mileage in going to and returning from the seat of Government, which mileage shall be two dollars and fifty cents (\$2.50) for every twenty-five (25) miles, the distance to be computed by the nearest and most direct route of travel, from a table of distances computed by the Comptroller to each county seat now or hereafter to be established.

PARKHOUSE, COOMBES.

The resolution was read second time, and was adopted by the following vote:

Yeas-64

Hoskins. Alsub. Hyder. Anderson Jones of Runnels. of Bexar. Jones of Shelby. Baker. Latham. Barrett. Bourne. Lemens. Lindsey. Burns. Butler. Lotief. Canon. Mackay. Cathey. McCullough. Chastain. McGregor. Colson. McKee. Merritt. Coombes. Cowley. Moore. Daniel. Morse. Davidson. Palmer. Dunagan. Parkhouse. Dwyer. Ramsey. Engelhard. Reed of Dallas. Few. Renfro. Golson. Rogers of Ochiltree. Good. Rogers of Hunt. Goodman. Rollins. Griffith. Russell. Haag. Scarborough. Hankamer. Steward. Harrison. Stinson. Head. Stovall. Hicks. Turlington. Hill of Brazoria. Winningham. Holekamp. Wood. Holland. Young.

Nays-40

Adamson. Jones of Atascosa. Kyle of Hays. Aikin. Anderson McClain. of Johnson. McDougald. Barron. Metcalfe. Beck. Mitcham. Bedford. Mcffett. Camp. Morrison. Crossley. Puryear. Dean. Ratliff. Devall. Ray. Reed of Bowie. Fain. Fisher. Shults. Glass. Smith. Graves. Stanfield. Harris. Sullivant. Hester. Tennyson. Huddleston. Townsend. Hunt. Van Zandt. Johnson Walker. of Dimmit. Wells.

Present—Not Voting

Magee.

Holloway.

Absent

Alexander. Calvert. Bradley. Caven.

Clayton. Mathis. Dunlap. Munson. Nicholson. Duvall. Ford. Patterson. Fuchs. Pavlica. Pope. Greathouse. Harman. Reader. Hartzog. Hill of Webb. Riddle. Roberts. Hodges. Ross. Hughes. Savage. Jackson. Scott. James. Shannon. Tarwater. Jefferson. Johnson Thomas. of Anderson. Tillery. Kayton. Vaughan. Kyle of Palo Pinto. Weinert. West. Laird. Leonard.

Absent—Excused

Long.

Wagstaff.

REASONS FOR VOTES

I vote against the \$10 per day because I am on record and pledged to cut expenses whenever and wherever I can. To be conservative and consistent, I think every Member should start reducing governmental expenses by accepting a reduction in their own compensation.

CAMP.

I vote "nay" on this resolution because I want to be on record as voting at all times to reduce expenses of this State, and I am glad to begin by voting to cut my own salary.

AIKIN.

ADJOURNMENT

On motion of Mr. Anderson of Bexar, the House, at 3:30 o'clock p. m., adjourned until 10 o'clock a. m., next Monday, January 16.

FIFTH DAY

(Monday, January 16, 1933)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called and the following Members were present:

Mr. Speaker. Adamson. Aikin. Alexander.

Alsup. Anderson of Johnson.

Baker.